

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEVIN JACOB SMITH, §
TDCJ NO. 1595339, §
§
Petitioner, §
§
v. §
§ CIVIL ACTION NO. H-14-1554
WILLIAM STEPHENS, Director, §
Texas Department of Criminal §
Justice, Correctional §
Institutions Division, §
§
Respondent. §

MEMORANDUM AND ORDER

The habeas petitioner has filed an Application to Proceed In Forma Pauperis on Appeal. Attached to the motion is a copy of the petitioner's prisoner trust account history indicating that he had \$516.65 in his account on March 24, 2015. The account history also shows that the petitioner's inmate trust account had an average balance of \$334.46 during the previous six months. A total of \$600.00 had been deposited in the account during the same period.

The court **GRANTS** the petitioner permission to proceed as a pauper; however, the petitioner must pay a partial fee because he is capable of bearing part of the appellate filing costs. Prows v. Kastner, 842 F.2d 138, 140 (5th Cir. 1988), citing Williams v. Estelle, 681 F.2d 946 (5th Cir. 1982) (district courts may order parties to pay partial filing fees where their financial data suggests that they are able to do so).

The petitioner is **ORDERED** to pay \$60.00 to the Clerk of this court. The remainder of the filing fee is waived.

The TDCJ Inmate Trust Fund shall withdraw United States District Clerk for the Southern District of Texas, Post Office Box 61010, Houston, Texas 77208.

The Application to Proceed In Forma Pauperis on Appeal (Docket Entry No. 18) is **GRANTED**.

The Clerk shall send a copy of this Order to the petitioner and the TDCJ Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793.

SIGNED at Houston, Texas, on this 24th day of April, 2015.



SIM LAKE
UNITED STATES DISTRICT JUDGE